

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

CALAWAY et al.

Atty. Ref.: 4830-3 (AMK)

Serial No. 09/814,441

TC/A.U.: 3625

Filed: March 22, 2001

Examiner: K. Deshpande

For: ELECTRONIC STORAGE MEDIUM AND PURCHASING SYSTEM
AND METHOD

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May 27, 2008

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF

In reply to the Examiner's Answer dated April 4, 2008, Appellants submit this Reply Brief under 37 C.F.R. §41.41.

In the Response to Argument section beginning on page 7 of the Examiner's Answer, the Examiner references Moneymaker at paragraph 27 contending that "Moneymaker teaches that order completion can be done in an offline environment." As discussed previously, with reference to the claims, claim 1, for example, defines a step of initiating and completing the purchase of the item without accessing the Internet. Even though Moneymaker references an offline payment, the Moneymaker system is not operable without online access.

Additionally, the Office Action contends that “Moneymaker explicitly teaches that an order form can be downloaded on to a purchaser’s computer,” referring to Moneymaker paragraph 28, “and the purchaser initiates the ordering process by entering order information,” referring to Moneymaker paragraph 26. In paragraph [0028], however, Moneymaker describes that even in an offline environment, “the order is uploaded, online, to the server.” Moreover, Moneymaker’s reference to “downloading” an order form certainly requires Internet access as the order form is downloaded from an Internet web page.

Appellants respectfully submit that the Examiner’s conclusions selectively exclude specific teachings in the Moneymaker publication necessary to fully appreciate what the Moneymaker publication would suggest to those of ordinary skill in the art. Appellants submit that mere reference to an offline payment option when every other function/operation in the Moneymaker system requires Internet access does not provide a requisite teaching to support the obviousness determination.

For the reasons discussed herein and in the Appeal Brief, reversal of the rejections is respectfully requested.

Respectfully submitted,

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